



SP-1692.1 US

**CERTIFICATE OF MAILING**

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

July 11, 2005  
Date

Tracy A. Mason  
Tracy A. Mason

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Ferguson, et al.  
Application No. : 10/678894  
Filing Date: : October 3, 2003  
For : Apparatus And Method For Securing Items To A Hangable  
Merchandiser

**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)**

Pursuant to 37 CFR §§1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application or, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits.

Copies of the listed documents are submitted herewith along with Form PTO-1449. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

Applicant : Ferguson, et al.  
Serial No. : 10/678894  
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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitutes "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

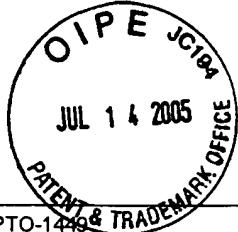
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 05-1325.

Respectfully submitted,

Date July 11, 2005

Stewart A. Fraser

Stewart A. Fraser  
Registration No. 33,882  
Eveready Battery Company, Inc.  
25225 Detroit Road  
Post Office Box 450777  
Westlake, Ohio 44145



Sheet 1 of 2

|   |  |                                  |                         |
|---|--|----------------------------------|-------------------------|
| FORM PTO-1449<br>(Rev. 2-32)  | U.S. DEPARTMENT OF COMMERCE<br>PATENT AND TRADEMARK OFFICE | ATTY. DOCKET NO.<br>SP-1692.1 US | SERIAL NO.<br>10/678894 |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT<br>(Use several sheets if necessary) |  | APPLICANTS<br>Ferguson, et al.   |                         |
|   |  | FILING DATE<br>10/03/2003        | GROUP<br>3726           |

### U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE       | NAME            | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|-----------------|------------|-----------------|-------|----------|----------------------------|
|                  | 6 1 9 5 8 7 7   | 03/06/2001 | Poulokefalos    | 29    | 819      |                            |
|                  | 6 1 4 5 6 7 5   | 11/14/2000 | Kass, et al.    | 211   | 71.01    |                            |
|                  | 5 5 5 3 7 2 1   | 09/10/1996 | Gebka           | 211   | 59.1     |                            |
|                  | 5 4 9 7 8 8 2   | 03/12/1996 | Kenyon          | 206   | 485      |                            |
|                  | 5 4 0 5 0 2 2   | 04/11/1995 | Rissley         | 211   | 59.1     |                            |
|                  | 5 1 0 3 9 7 0   | 04/14/1992 | Nielson, et al. | 206   | 45.14    |                            |
|                  | 4 3 0 1 5 7 5   | 11/24/1981 | Goldberg        | 24    | 1        |                            |

### FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE       | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|------------------|-----------------|------------|---------|-------|----------|-------------|----|
|                  |                 |            |         |       |          | YES         | NO |
|                  | 8 5 0 4 5 6 0   | 10/24/1985 | WO      | A47H  | 1        | 10          |    |
|                  |                 |            |         |       |          |             |    |
|                  |                 |            |         |       |          |             |    |
|                  |                 |            |         |       |          |             |    |
|                  |                 |            |         |       |          |             |    |

### OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|---------------------|--|-----------------|------------|---------|-------|----------|-------------------------------|
|                     |  | 3 4 2 5 8 8 9   | 02/04/1969 | Willits | 161   | 43       |                               |
|                     |  | 2 1 5 5 3 1 3   | 04/18/1939 | Jackson | 206   | 46       |                               |
|                     |  |                 |            |         |       |          |                               |
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